

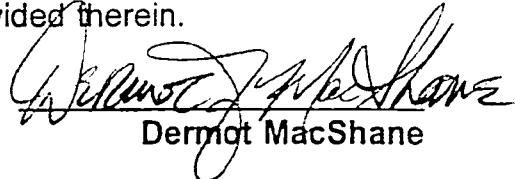
**EXHIBIT A**

STATE OF NEW YORK )  
COUNTY OF THE BRONX ss: )

Dermot MacShane, being duly sworn, deposes  
and says:

(1) I hereby acknowledge my indebtedness to  
my Attorney, Marshall E. Bloomfield, Esq., as set forth  
in the Liabilities Section of my Net Worth Affidavit  
dated 4/15/04 in §H.1.2a.

(2) I hereby consent to the extent of such  
indebtedness to assign an interest in that property  
accruing to me upon the final disposition of the  
equitable distribution phase of the action and in  
accordance with NYCRR §202.16(c)(1)(2) and subject  
to Court approval as provided therein.



Dermot MacShane

Sworn to before me this 15  
day of April, 2004.

151   
MARSHALL E. BLOOMFIELD  
Notary Public, State of New York  
No. 02BL0326550  
Qualified in the County of The Bronx  
Commission Expires June 30, 2007

# **EXHIBIT B**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF PUTNAM

-----X  
DERMOT MACSHANE,

INDEX NO.

Plaintiff,

1798/2002

-against-

JULIE MACSHANE,

Defendant.

-----X  
Putnam County Courthouse  
40 Gleneida Avenue  
Carmel, New York 10512  
October 6, 2004

BEFORE:

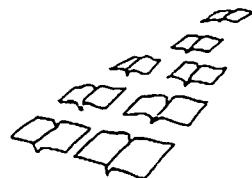
HON. FRED L. SHAPIRO,  
Acting Justice of the Supreme Court.

APPEARANCES:

MARSHALL E. BLOOMFIELD, ESQ.  
Attorney for the Plaintiff  
349 E. 149th Street  
Bronx, New York 10451  
AND: WILLIAM KNOESEL  
Law Assistant.

BERKMAN & HUDAK, ESQS.  
Attorneys for the Defendant  
38 Gleneida Avenue  
Carmel, New York 10512  
BY: ELIZABETH HUDAK, ESQ.

MARY C. TRAYNOR  
Senior Court Reporter



## CONFERENCE

THE CLERK: MacShane versus  
MacShane.

THE COURT: Can you please call Ms. Hudak? I think we should call Ms. Hudak. I have a feeling that it's settled.

SECOND CALL:

THE CLERK: On the MacShane matter, confirms matter was adjourned to today and she writes Mr. Bloomfield would greatly appreciate if this adjournment can be calendared for 11:30 a.m., since he may be engaged in the last day of Court ordered depositions in the matter.

THE COURT: We'll wait until  
11:30.

THIRD CALL:

THE COURT: Let the record indicate that I had some off-the-record discussions with counsel in an ongoing attempt to resolve this matter.

Mr. Bloomfield has advised

## 1                   CONFERENCE

2                   the Court that after the  
3                   off-the-record discussion and counsel  
4                   speaking to their clients, it became  
5                   apparent that this matter is not going  
6                   to be resolved.

7                   Mr. Bloomfield had made  
8                   motion some time ago to be relieved as  
9                   counsel. And the Court adjourned it,  
10                  in order that Mr. Bloomfield would  
11                  have an opportunity to attempt to  
12                  resolve this matter.

13                  And I want to say for the  
14                  record, I'm very much impressed that  
15                  Mr. Bloomfield could have walked in  
16                  here on a return date and, frankly, I  
17                  would have granted the motion at that  
18                  time, had he not decided to stick it  
19                  out, though he was not getting paid  
20                  and attempted to work this out.

21                  Unfortunately the case could  
22                  not be resolved and Mr. Bloomfield has  
23                  now asked me to decide the motion that  
24                  he made.

25                  I'm going to grant his

## 1                   CONFERENCE

2                   application. I'm going to relieve him  
3                   as counsel. I'm going to grant him a  
4                   retaining lien and he'll provide me  
5                   with an affidavit served on both Ms.  
6                   Hudak and Mr. MacShane, as to the fees  
7                   brought up-to-date.

8                   I have the fees up to the  
9                   date of the motion. I need from the  
10                   date, return date of the motion  
11                   forward and the Court would be  
12                   inclined to grant that as well.

13                   You may be heard on the  
14                   issue. Not as to whether he should  
15                   have the lien, Mr. MacShane. You  
16                   shall be heard on whether the fees are  
17                   reasonable and necessary. That's the  
18                   only argument you can make, that the  
19                   fees were not reasonable or necessary  
20                   for this case, but he does not have to  
21                   turn over the file until that lien is  
22                   resolved.

23                   I further indicated that I'm  
24                   going to give you an opportunity to  
25                   attain a new attorney and I'll give

## 1                   CONFERENCE

2                   you through and including November 5th  
3                   to obtain a new attorney. You'll be  
4                   back in court. We're going to bring  
5                   this back on November 17th at 9:30, to  
6                   take -- to hear, to decide how best  
7                   to proceed once you have an attorney.

8                   But keep in mind if you do  
9                   not retain a new attorney you will be  
10                  proceeding without counsel and I'll  
11                  hold you to the same standard as an  
12                  attorney. I can't lower the standard,  
13                  even though I'm aware that you're not  
14                  an attorney. I will explain whatever  
15                  I feel is appropriate, without  
16                  crossing a line and giving you legal  
17                  advice, but I will advise you as to  
18                  what's going on and the nature of the  
19                  proceeding.

20                  Mr. Bloomfield, do you wish  
21                  to be heard?

22                  MR. BLOOMFIELD: Just for a  
23                  second, to point out to the Court that  
24                  the Order to Show Cause dated the  
25                  first day of June, 2004, asked for two

## CONFERENCE

forms of relief; an order permitting  
granting myself leave to withdraw and  
the Court has just indicated it would  
grant that.

The second one was an order approving movant's interest, my interest, in the property of the Plaintiff, Dermot MacShane, pursuant to NYC 2d 2002.16.2 and attached to the moving papers was an acknowledgment of my interest in his property as set forth and his net worth affidavit and consenting.

THE COURT: Let me say this to you: I'm going to grant that to the extent there will be no distribution of any assets to Mr. MacShane without you being heard.

And it would be my intention to give you your fee off the top of any distribution.

MR. BLOOMFIELD: Thank you.

THE COURT: Again, there will be another judge here. If you

1 CONFERENCE

2 submit this to me. I'll make sure the  
3 other judge sees it. Before anything  
4 can be distributed to you, Mr.

5 Bloomfield is entitled to have his fee  
6 paid.

7 MR. MACSHANE: Can I have a  
8 copy? I was never served.

9 THE COURT: You had to, to  
10 be here.

11 MR. MACSHANE: Your Honor, I  
12 was not.

13 THE COURT: I'll ask Mr.  
14 Bloomfield to provide you with another  
15 copy.

16 MR. BLOOMFIELD: Absolutely  
17 and it was served.

18 THE COURT: I have an  
19 affidavit of service and it was here  
20 on the return date, I believe you had  
21 it. Doesn't matter. I'm going to get  
22 you a new one. I'm not going to say  
23 too bad.

24 MR. MACSHANE: He showed it  
25 to me at that time.

1 CONFERENCE

2 THE COURT: Doesn't matter.

3 You're going to get it.

4 MR. MACSHANE: One other  
5 question. How do I proceed? I'm  
6 beyond destitution as it stands.

7 THE COURT: Let me say this.

8 MR. MACSHANE: Such a  
9 thing --

10 THE COURT: What is your  
11 salary?

12 MR. MACSHANE: 80,000 a year.

13 THE COURT: Nobody is going  
14 to grant you poor person relief making  
15 \$80,000.

16 MR. MACSHANE: After child  
17 support and other obligations --

18 THE COURT: If you want to  
19 make an application, get in touch with  
20 Judge Nicolai's office and they'll  
21 make short visit. On an \$80,000  
22 income there is no way in the world  
23 they will assign an attorney to you.

24 Ms. Hudak, do you wish to be  
25 heard?

## CONFERENCE

MS. HUDA: Couple of things.

I want to make sure my client is aware of the fact during what you have done is a stay period for anymore proceedings. That we are going to be filing contempt motion in this matter and I need for my client to know that I will not be able to do so during this period of time, though I have assured her one will be forthcoming once the period of time is up. If we can clarify the date when I can bring the same?

THE COURT: The stay was up and including November 5th. And if you bring in an Order to Show Cause to me on November 8th, I'll make it returnable on the 17th.

Let me say this to you; I take those contempts very seriously. If you're not current, I'll probably do a hearing that day. And keep in mind if I find that you willfully violated, with or without an attorney,

1  
2  
3  
4  
5  
CONFERENCE

you're not going out that way. You go  
right to the County Jail.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
MR. MACSHANE: I understand  
that.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
Last thing, arrears of \$60.

THE COURT: Well, I don't  
know what it is, but I'm not even  
saying you're in arrears. I only put  
people in jail that willfully violate  
my orders and I do a hearing, but I  
have a feeling I'll do the hearing  
either that day or the next day.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
So, be prepared and let  
counsel know, because I'm not going  
to -- I don't let anybody violate  
orders. If you haven't violated the  
order or you owe something like \$60,  
no way in the world I'm putting you in  
jail. You'll walk out. I didn't say  
if they bring the motion you'll go to  
jail. I'll take testimony and they  
have to prove it by clear and  
convincing evidence. You don't have  
to say anything and you could prevail.

## 1 CONFERENCE

11

2 You have to prevail in the case. If  
3 they show all the money, number one,  
4 you can argue you don't owe it, which  
5 is of course a complete defense or  
6 that failure to pay was not willful,  
7 but once, if I find it's willful, you  
8 go to jail until you pay what's owe  
9 and six months is a long time to sit  
10 in there.

11 MS. HUDA: Additionally, to  
12 make certain Mr. MacShane is very  
13 clear, that the pendente lite order of  
14 the Honorable John W. Sweeney, Jr., is  
15 in effect.

16 THE COURT: That order has  
17 to be complied with, I never vacated  
18 it. You're aware that whatever Judge  
19 Sweeney had in that order, you're  
20 supposed to be in compliance with.

21 MR. MACSHANE: It's  
22 impossible.

23 THE COURT: Wait. Are you  
24 aware that it's still in effect and  
25 nothing happens to that order by

## 1                   CONFERENCE

2                   anything that I did today?

3                   MR. MACSHANE: Yes.

4                   THE COURT: So, if they show  
5                   that you are not in compliance, then  
6                   you have to come forth and show, I'm  
7                   not in compliance, but it's not  
8                   willful. If I disagree with you or I  
9                   find for argument's sake you should  
10                   have paid more than you did, it's  
11                   going to be jail until you, you know  
12                   you don't get time to go get the  
13                   money.14                   So, if you could somehow  
15                   raise the money and they document it  
16                   so, I would strongly suggest that you  
17                   do so, because I don't like sending  
18                   people to jail, I abhor it, but I find  
19                   that other than one case over ten  
20                   years, every person I put in jail  
21                   within two to three days, every single  
22                   penny has appeared and the other  
23                   person had the money and basically was  
24                   spitting in my face and said to me, I  
25                   got it and I'm not paying it. so he

## 1                   CONFERENCE

2                   wanted to sit there for six months.

3                   Wasn't much I could do.

4                   MR. MACSHANE: Your Honor, I  
5                   never had the money.6                   THE COURT: They have to  
7                   prove. This is the order and this is  
8                   what you paid and then you have the  
9                   burden of coming forward and saying  
10                   yes, I paid it, and if you paid it  
11                   it's over or no, I didn't, but it  
12                   wasn't willful.13                   There is three choices. I  
14                   can either say you're cleared, none of  
15                   this was willful, or I could say,  
16                   well, he ordered you to pay X dollars  
17                   you couldn't afford X, but you could  
18                   afford Y, so you go to jail until Y is  
19                   paid, or I could say, no, they have  
20                   established that you didn't comply  
21                   with the order and I don't see any  
22                   reason why you couldn't comply and  
23                   then you go to jail. It's six months  
24                   sentence. I want you to know that,  
25                   but keep in mind you have the key. If

1  
2  
3  
4  
5  
6  
CONFERENCE

you make payment, I open the jail door  
that day. I don't keep people in  
there to punish them. The sole  
purpose of this is to coerce  
compliance.

MS. HUDA: Your Honor,  
order, among other items I would ask  
Mr. MacShane now that he is currently  
unrepresented by counsel to review  
that order, to make certain that he's  
aware of the fact that among other  
items in the order, he owes Mrs.  
MacShane the sum of 1,000 a month as  
and for maintenance, which hasn't been  
paid for some time. At a minimum now  
he needs to review that, minimum  
payments on credit cards, etcetera.  
those are the items I'm speaking  
about, but I would ask that Mr.  
MacShane review that order, you know,  
in expectation of receiving contempt  
motion.

24  
Thank you, your Honor.

25  
MR. MACSHANE: Excuse me,

1 CONFERENCE

2 your Honor, anything that preempts  
3 such motion that it's frivolous and  
4 false, because all of my cards are on  
5 the table.

6 THE COURT: Listen to me.  
7 You can argue that it's frivolous in  
8 your opposition papers. I'll listen  
9 to both sides.

10 MR. MACSHANE: To preempt.

11 THE COURT: How can I know  
12 something before I read the papers?

13 MR. MACSHANE: From the  
14 paperwork that the defense attorney  
15 has, that they would know there is no  
16 way that I have this money, nor do I  
17 have the assets. It's been known  
18 since before I lost my house, your  
19 Honor.

20 THE COURT: You can argue  
21 that.

22 MR. MACSHANE: Nothing to  
23 preempt.

24 THE COURT: You couldn't  
25 preempt anything. Law doesn't permit

## 1                   CONFERENCE

2                   that. After the fact if I find it's  
3                   frivolous, I can say this was  
4                   frivolous and I could sanction them up  
5                   to \$10,000.

6                   But let me say this to you:  
7                   I know Ms. Hudak a long time and I've  
8                   never known her to make frivolous  
9                   motions. I've known her to make  
10                   motions which I have denied, but never  
11                   frivolous.

12                   MR. MACSHANE: This is  
13                   frivolous.

14                   MS. HUDA: My motion for  
15                   contempt would be frivolous, just so  
16                   that I can clarify.

17                   MR. MACSHANE: Practically  
18                   criminal.

19                   MS. HUDA: If I may, we're  
20                   not revisiting Judge Sweeney's  
21                   pendente lite.

22                   THE COURT: His argument is  
23                   that he can't comply with it, you  
24                   know, not that he's defying, he can't  
25                   comply and I'll find that out.

As a matter of fact, you know what you could do, make motion returnable by Order to Show Cause on November 15th. I'll come in November 15th and set it down for an order that week for hearing so you be prepared to go the 17th -- 16, 17th, 18th or 19th. No?

MS. HUDA: That would be when the trial would be.

THE COURT: Hearing on the contempt, I want to do it before I go.

MR. BLOOMFIELD: For the record, I'm gone.

THE COURT: You're gone as of now.

If you come in without an attorney, I can almost guarantee the result, you know. This is a very serious matter and, you know, I would like to -- I don't want you losing because you don't have an attorney who can articulate the law and argue and examine witnesses. I don't think

1 CONFERENCE  
2

2 you're capable of doing that. No way  
3 I would be capable of doing your job  
4 and not any disrespect. If you don't  
5 have an attorney, it's going to be  
6 very difficult for you to prevail.

7 I'll say this to you, if I  
8 were you, I would get an attorney real  
9 quickly. I don't know, let that  
10 attorney review what was done and I  
11 have a feeling that --

12 MR. MACSHANE: If I had the  
13 money.

14 THE COURT: Let me finish.  
15 I have a feeling they'll come to the  
16 same conclusion Mr. Bloomfield did.  
17 the proposed settlement was fair and  
18 reasonable with what I said today to  
19 them and you could avoid the whole  
20 mess.

21 I think what you are doing  
22 is, again, I did think it's in good  
23 faith, I'm not going to argue that and  
24 Mr. Bloomfield was very clear that he  
25 understands your reasoning, but if you

## 1 CONFERENCE

2 were a business person and I said, if,  
3 you go this route you're going to lose  
4 a lot of money. If you go this route  
5 you'll lose a lot of money and you  
6 said I'm a man of principles, I would  
7 rather lose the money. Wait, I'm  
8 using that as analogy. Not saying  
9 it's what you have done. I can almost  
10 guarantee if you don't have an  
11 attorney, this is going to turn out  
12 much worse than a settlement. If you  
13 have an attorney, I would want them to  
14 exercise independent judgment. I  
15 wouldn't be surprised if they came to  
16 the same conclusion Mr. Bloomfield  
17 did. You're digging in, spinning your  
18 wheels and you'll end up hurting  
19 yourself. And the reason is that I'm  
20 not going to be the judge that decides  
21 it and I'm not going to discuss this  
22 with the new judge, but you're going  
23 to be very unhappy if you push this to  
24 the limit.

25 I think you're making a

## CONFERENCE

terrible mistake and that's my advice as best I can give it to you and because I don't want to see you end up in jail and I don't want to see decision by another judge that financially hurts you more than you would have been had you gone along with the settlement and you better sleep on it.

Mr. Bloomfield did a great job for you and I have to tell you I didn't know him before this and I never saw anybody so tenacious that wasn't getting paid and sticking up for you every turn. And because the easy thing for him would have been to say, look, I can't settle it, I'll walk away now, he didn't, he stuck in. As difficult as it was, you should be grateful for him and I have tremendous respect for Mr. Bloomfield.

MR. BLOOMFIELD: Just I have to. I may not agree with everything that the Court said about me, but

## 1                   CONFERENCE

2                   there is one thing that's obvious to  
3                   both counsel, the amount of effort  
4                   that you, this Court, put in, the time  
5                   this Court put into attempting  
6                   resolution is extraordinary. And a  
7                   lot of it was off the record in  
8                   chambers, trying to work things out.  
9                   Number of hours and the efforts and  
10                   constructive nature of it, from my  
11                   point of view and I've been practicing  
12                   over 36 years, extraordinary. I've  
13                   never experienced anything that was  
14                   more than that effort and I wish to  
15                   thank the Court for that.

16                   And I also wish to say that I  
17                   hope that the parties do resolve this  
18                   as soon as possible and I know it  
19                   behooves both of them to do so.

20                   THE COURT: I agree  
21                   completely with that and I just hope  
22                   that it can be done during this  
23                   interim period, that something be done  
24                   to resolve it. If not, we'll go  
25                   forward and the I think contempt

## CONFERENCE

motion will decide a lot of this case one way or the other and that's why I wanted to do a hearing before you at least the bench and I'm clearly, that whole week I know I can get it done.

MR. BLOOMFIELD: Thank you,  
your Honor.

MS. HUDA: And obviously Mr. Bloomfield is always eloquent and we join in his sentiment.

MR. MACSHANE: In light of the lien on the property, do I have access to my file?

THE COURT: No. Until you either pay the bill or I set the lien, if you want to agree to the lien I'll have him send the file over, but in no event will any money go to you, but I'm not going to lift the lien on any property.

MR. MACSHANE: I'm not looking for a lift on the lien. I'm agreeing to the lien.

THE COURT: Do you want to

## CONFERENCE

know the amount?

MR. MACSHANE: I don't.

THE COURT: I don't think

Mr. Bloomfield does.

MR. MACSHANE: Couldn't that be settled a later date.

THE COURT: Law requires at least the lien be set before the file is turned over. Not paid, but set.

MR. MACSHANE: Okay.

THE COURT: If you agree with Mr. Bloomfield, he'll send a stipulation. I'll so order and you get the file, but right off the top but --

MR. MACSHANE: I'm in over my head.

THE COURT: I think so, too.

o o o

Certified to be a true and correct transcript.,

Mary C. Traynor  
Mary C. Traynor,  
Senior Court Reporter

# EXHIBIT C

## AMENDED DECISION AND ORDER

To commence the statutory period of appeals as of right CPLR (5515 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

PUTNAM COUNTY  
CLERK

2005 DEC 13 AM 9:19

### SUPREME COURT OF THE STATE OF NEW YORK IAS PART, PUTNAM COUNTY

Present: Hon. Andrew P. O'Rourke  
Supreme Court Justice

-----X  
MARSHALL E. BLOOMFIELD, ESQ.,

INDEX NO.: 2022/2005  
MOTION  
DATE: 11/21/05

Petitioner-Judgment Creditor,  
-against-

DERMOT MACSHANE.

Respondent-Judgment  
Debtor,

-and-

JUDITH MACSHANE

Respondent,

-and-

SERGEANTS BENEVOLENT ASSOCIATION ANNUITY FUND, THE CITY OF NEW YORK POLICE PENSION FUND, FUND OFFICE OF LOCAL 580 OF ARCHITECTURAL AND ORNAMENTAL IRON WORKERS, ALLSTATE FINANCIAL SERVICES, HSBC, CITIBANK, NEW YORK CITY POLICE DEPARTMENT, WACHOVIA f/k/a FIRST UNION.

RESPONDENTS-  
GARNISHEES.

-----X-----

The following documents numbered 1 to 6 read on this motion by Petitioner to Garnish Dermot MacShane's pension and assets to satisfy a judgment.

Notice of Motion- Affidavits 1, 2  
Answering Affidavits 5, 6  
Replying Affidavits  
Affidavits  
Pleadings-Exhibits-Stipulations-Minutes 4, 4  
Briefs: Plaintiff  
Defendant

Motion is decided as follows:

Petitioner obtained a judgment against the Judgment-Debtor Dermot MacShane in the sum of \$30,392.19. Petitioner seeks to collect said judgment from the respondent-Garnishees Sergeants Benevolent Association Annuity Fund, the City of New York Police Pension Fund, Fund Office of Local 580 of Architectural and Ornamental Iron Workers, Allstate Financial Services, HSBC, Citibank, New York Police Department and Wachovia f/k/a First Union., all of whom have monies belonging to Respondent-Debtor Dermot MacShane.

Petitioner seeks a judgment pursuant to CPLR 5225(b) and CPLR 5227 ordering the turnover of property held by the Respondent-Garnishee to the Petitioner Judgment Creditor sufficient to satisfy the outstanding judgment. Petitioner further alleges Dermot MacShane is employed by the New York City Police Department holding the rank of Sergeant for an annual salary of \$75,070 against which there are no liens or judgments. Petitioner requests installment payments be made to Petitioner from Dermot McShane's salary to satisfy the outstanding

judgment.

In opposition Respondent Garnishee, Fund Office of Local 580 of Architectural and Ornamental Iron workers, states Petitioner's request to turnover funds from the pension plan benefits to which Dermot MacShane might be entitled is barred by ERISA and unenforceable.

An affidavit in opposition is submitted by Judith MacShane who states that Dermot McShane's pensions and annuities are part of the equitable distribution to which she is entitled. Ms. MacShane alleges her interest herein are superior to any other claim and should be preserved.

After a review of the documents presented the Court directs that the Judgment Debtor, Dermot McShane's employer, the New York City Police Department pay directly to Petitioner-Judgment Creditor, the sum of \$200 per pay period until the judgment owed herein is paid in full.

Additionally, any moneys held by HSBC, Citibank, Allstate Financial Services and or Wachovia f/k/a First Union in the name of Dermot McShane will be turned over to the Petitioner-Judgment Creditor Marshall E. Bloomfield, Esq. Toward the satisfaction of Petitioner's judgment.

This constitutes the order of the Court.



Andrew P. O'Rourke  
Justice of the Supreme Court

Dated: December 12, 2005  
Carmel, NY

# **EXHIBIT D**

COPY

At the Supreme Court,  
State of New York held in  
and for the County of  
Putnam, at the Courthouse  
located at 40 Gleneida  
Avenue, Carmel, New York  
10512, on the 15<sup>th</sup> of  
January, 2004

Hon. Andrew P. O'Rourke  
Present: Supreme Court Justice  
Hon. Fred L. Shapire, J.S.C.

Dermot MacShane,,

Plaintiff(s):  
-against-

Judie MacShane,

Defendant(s).

Index No.: 1798/02

## JUDGMENT

PUTNAM COUNTY  
CLERK

An Order to Show Cause having previously been submitted to this Court and signed by Hon. Fred L. Shapiro on the 1st day of June, 2004; and

Said Order to Show Cause having sought the following enumerated items of relief:

1) An order permitting and allowing Marshall E. Bloomfield, Esq. leave to withdraw as Counsel for Plaintiff, Dermot MacShane; and

2) An order approving Counsel Fees and Disbursements incurred up to

through and including May 24, 2004, in the amount of \$20,143.19; and

3) An order approving an interest of Marshall E. Bloomfield, Esq., in the property of Plaintiff Dermot MacShane, pursuant to NYCRR §202.16(2); and

The above captioned matter having come on before this Court on July 7, 2004, August 12, 2004, and October 6, 2004; and

The Court having read the Affirmation of Marshall E. Bloomfield, Esq., dated May 28, 2004, and submitted in support of the motion; and

The Court on October 6, 2004, having granted the motion in its entirety; and

The Court on October 6, 2004, having directed the submission of a

Supplemental Affirmation of Services on Notice; and

The Court having read the Supplemental Affirmation of Marshall E. Bloomfield, Esq., dated October 29, 2004; and

The Court by Decision and Order dated November 18, 2004, having granted the Supplemental Application for Counsel Fees and Disbursements in the additional amount of \$10,249.00; and

The Court by Decision and Order dated November 18, 2004, having directed the Settlement of a Judgment on five days Notice;

NOW upon motion of Marshall E. Bloomfield, Esq., it is hereby

ORDERED and ADJUDGED that Judgment be made and entered herein in favor of Marshall E. Bloomfield, Esq. and against Plaintiff, Dermot MacShane, in the amounts of \$20,143.19 and \$10,249.00 for a total of \$30,392.19; and it is further

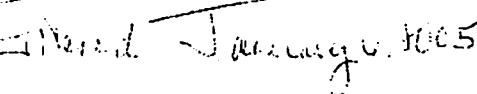
ORDERED and ADJUDGED that an interest in the property of Plaintiff, Dermot MacShane, to the extent of \$30,392.19, be awarded in favor of Marshall E. Bloomfield, Esq., pursuant to NYCRR §202.16(2); and it is further

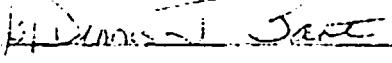
ORDERED and ADJUDGED that Marshall E. Bloomfield, Esq., have execution thereon.

ENTER

  
J.S.C.

Hon. Andrew P. O'Rourke  
Supreme Court Justice

  
Entered January 6, 2005

  
K. Dunn - T. Scott